

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

John M. Berkhoff,
Plaintiff

v.

ABM Service Corporation, a Delaware Corporation;
Horace Mann Educators Corporation, an Illinois
corporation; Horace Mann Investors, Inc., a
Maryland corporation; Doe and Roe Defendants,
Defendants

2:15-cv-1552-JAD-CWH

**Order Transferring Venue to the
United States District Court for the
Central District of Illinois based on
Forum-Selection Clause**

[ECF 9]

John Berkhoff sold Horace Mann products under an independent-contractor agreement with the company. In response to Berkhoff's suit alleging that Horace Mann breached that agreement and acted tortiously against Berhoff, the company seeks to enforce the forum-selection clause in that agreement—which designates the federal or state court in Springfield, Illinois, as the only venues for any contract-related litigation—and moves to transfer venue to the federal court in Springfield, Illinois.¹

I held oral argument on the motion to transfer venue on November 20, 2015, and placed my findings and conclusions on the record. For the reasons stated on the record, I find the forum-selection clause clear and mandatory and that the § 1404 analysis, as modified by the United States Supreme Court in *Atlantic Marine Construction Company, Inc. v. District Court*,² compels the transfer of this case. Berkhoff has not offered any persuasive reason—let alone the strong showing required under *Atlantic Marine*—to disregard the forum-selection clause that he expressly and contractually agreed to.


IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT defendant's motion **[ECF 9] is GRANTED**; the Clerk of Court is instructed to **transfer this case to the United States**

¹ ECF 9.

² *Atlantic Marine Construction Company, Inc. v. District Court*, 134 S. Ct. 568 (2013).

1 **District Court for the Central District of Illinois** and close this case.

2 Dated this 20th day of November, 2015

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6 Jennifer A. Dorsey
7 United States District Judge
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